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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/660,093	09/12/2000	Mehmet Oguz Sunray	2100.002900/SUNAY2	7323
23720	7590	12/15/2010		
WILLIAMS, MORGAN & AMERSON 10333 RICHMOND, SUITE 1100 HOUSTON, TX 77042				
EXAMINER				
PHUNKULI, BOB A				
ART UNIT		PAPER NUMBER		
2477				
MAIL DATE		DELIVERY MODE		
12/15/2010		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary**Application No.**

09/660,093

Applicant(s)

SUNRAY, MEHMET OGUZ

Examiner

BOB A. PHUNKULH

Art Unit

2477

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 April 2004.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5, 8-12 and 15 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-5, 8-12, 15 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/C3-06)
Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

DETAILED ACTION

The finality of the previous office action mailed 5/10/2004 is hereby withdrawn.

This communication is in response to applicant's 04/04/2005 amendment(s)/response(s) in the application of **SUNRAY** for "**CODE SPACE SHARING AMONG MULTIPLE MODES OF OPERATION**" filed 09/12/2000. The amendment/response to the claims have been entered. No claims have been canceled. No claims have been added. Claims 1-5, 8-12, 15 are now pending.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-5, 8-12, 15 are rejected under 35 U.S.C. 102(e) as being anticipated by **KIM** et al. (US 6,937,559), hereinafter **KIM**.

Regarding claims 1 and 8, **KIM** discloses a method for partitioning code space (Walsh Code set) in a communication system, comprising the step of:

dividing a code space into at least two subspaces (Walsh code set comprise of a plurality of codes, see col. 2 lines 31-42), where codes in the first subspace are assigned to at least one user at a time for a voice communication session and where

the codes in the second subspace are assigned to one user for data communication (the Walsh codes may be assigned to a plurality of users according to data types i.e. priority, where the high priority data packet call is for voice and low priority call for data call, see col. 6 lines 13-42).

Regarding claims 2 and 9, **KIM** discloses wherein codes are dynamically assigned between the at least first and second subspaces (the Walsh codes may be assigned dynamically, see col. 6 lines 13-42).

Regarding claims 3 and 10, **KIM** discloses wherein a minimum number of codes are provided to the first subspace (the Walsh codes may be assigned dynamically, see col. 6 lines 13-42).

Regarding claims 4 and 11, **KIM** discloses wherein a minimum number of codes are provided the second subspace (the Walsh codes may be assigned dynamically, see col. 6 lines 13-42).

Regarding claims 5 and 12, **KIM** discloses wherein a plurality of codes are unassigned to a subspace and are available for assignment to either subspace (the Walsh codes may be assigned dynamically, see col. 6 lines 13-42).

Regarding claim 15, **KIM** discloses wherein all of the codes in the second subspace are assigned to one user for data communication (the Walsh codes may be assigned dynamically, see col. 6 lines 13-42).

Conclusion

Any response to this action should be mailed to:

The following address mail to be delivered by the United States Postal Service (USPS) only:

Mail Stop _____
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

or faxed to:

(571) 273-8300, (for formal communications intended for entry)

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Bob A. Phunkulh** whose telephone number is **(571) 272-3083**. The examiner can normally be reached on Monday-Thursday from 8:00 A.M. to 5:00 P.M. (first week of the bi-week) and Monday-Friday (for second week of the bi-week).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor **Chirag G. Shah**, can be reach on **(571) 272-3144**. The fax phone number for this group is **(571) 273-8300**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/BOB A PHUNKULH/
Primary Examiner, Art Unit 2477